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Attorneys for Defendant Raymond Falk

UNITED STATES DISTRICT COURT
THE SOUTHERN DISTRICT OF NEW YORK

MARSH USA INC., ET AL.,

Plaintiffs,

-against-

RAYMOND FALK,

Defendant.

12-CV-3044 (LTS) (HBP)

**NOTICE OF DEFENDANT
RAYMOND FALK'S MOTION TO
DISMISS THE FIRST AMENDED
COMPLAINT**

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, the declaration of Raymond Falk, with all exhibits thereto, and all prior papers and proceedings herein, Defendant Raymond Falk, by and through his attorneys, will move this Court on a date to be determined by this Court, at the courthouse of the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, before the

Honorable Laura Taylor Swain, to dismiss the complaint pursuant to Federal Rule of Civil Procedure (i) 12(b)(1) for lack of subject matter jurisdiction, (ii) 12(b)(2) for lack of personal jurisdiction, (iii) 12(b)(3) for improper venue, and (iv) 12(b)(6) for failure to state a claim upon which relief can be granted.

Defendant's counsel has used their best efforts to resolve informally the matters and issues raised in his motion. On May 11, 2012, Defendant's counsel corresponded with Plaintiffs' counsel via electronic mail and requested available times for the parties to discuss these issues telephonically. In anticipation of the parties' conference, Defendant's counsel sent Plaintiffs' counsel a letter on May 14, 2012 outlining Defendant's positions and the arguments contained in Defendant's motion to dismiss. On May 16, 2012, the parties conferred by telephone and used their best efforts to resolve informally the matters movant raises in Defendant's Motion to Dismiss. However, the parties were unable to reach an agreement on the issues.

As one ground on which movant moves for dismissal is under Rule 12(b)(6), Defendant states the challenged pleading has been amended previously, but not in response to Defendant's arguments raised in this motion.

Dated: May 17, 2012
New York, New York

CARTER LEDYARD & MILBURN LLP

By: /s/ Judith A. Lockhart
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-and-

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